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Ty O. Ahmad-Taylor

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EXAMINER

TILAHUN, ALAZAR

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,869	<b>Applicant(s)</b> AHMAD-TAYLOR, TY O.	
	<b>Examiner</b> ALAZAR TILAHUN	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-16 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-16 and 39-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to applicant's response filed on June 22<sup>nd</sup>, 2009.

### ***Status of Claims***

Claims 1, 3, 5-6, 13-14, 16, 39-42 and 46 have been amended. Claims 2, 4, 17-38 and 48-50 have been canceled. Claims 1, 3, 5-16 and 39-47 are pending in the Application.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3, 5-16 and 39-47 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 42 - 45 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a process, machines, manufactures and composition of matter asserted utility or a well established utility.

Claim 42 claims "a computer readable medium comprising executable instructions for executing..." However, claim 42 does not define a computer-readable storage medium to be a memory/disk, and is thus non-statutory for that reason.

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Applicant's specification does not exclude "a computer-readable storage medium" from other forms of propagated signals that computer program product may be formatted (stored within the communication/transport medium. i.e., signal) for broadcasting. Moreover, the claims do not define a computer-program product to be a functional descriptive material encoded on a memory/disk, , and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized").

Therefore, the full scope of claim 42 as properly read in light of the disclosure encompasses non-statutory subject matter,, i.e., signal, the claim as a whole is non-statutory, under the present USPTO Interim Guidelines, 1300 Official Gazette Patent and Trademark Office 142 (Nov. 22, 2005).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 42, 43 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth et al. (US 2003/0167471 A1), hereinafter referred to as Roth.

Regarding Claim 1, Ross discloses a method for electronically displaying an on-demand listings guide, the method comprising (See Abstract):

streaming a user-selected on-demand episode over a video on demand (VOD) channel onto a substantially large portion of a display screen (See ¶ [0035] -When an episode is selected, information and/or images corresponding to that episode can be displayed on the same page 230 in, for example, a separate frame 235. If the consumer wants to view the selected episode, an appropriate action button on the displayed page can be selected. The STB 105 then passes the information to the VOD provider 130 that is responsible for delivering the content);

displaying an episodic series title (See Fig.5 and ¶ [0033]- it can be explained as window 220 shows “sex in the city” in VOD product windows 225 -emphasis added sorting criteria by titles as seen on Fig.3, Element 195) and graphical indicia of the episodic series for the user-selected on-demand episode in a first user controllable window that overlays a substantially small portion of the display screen such that the streamed on-demand episode is still visible (See ¶ [0033]- VOD product windows 225 can display single images or cycle through several images related to the corresponding series. When the consumer selects one of the series, such as Sex in the City, the STB 105 can display a page associated with that show, as shown in FIG. 6);

displaying additional windows in the substantially small portion of the display screen that include textual and graphical indicia (See Fig.6 and ¶ [0035] -When an episode is selected, information and/or images corresponding to that episode can be displayed on the same page 230 in, for example, a separate frame 235, *emphasis added*-

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¶ [0036] As the PVR records each episode, it could catalog the data related to the show, e.g., episode name and description, and present it in a format similar to that shown in FIG. 6.) of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible (See ¶ [0034]-Responsive to Sex in the City being selected, the consumer, for example, can be presented with a page 230 that lists the series' seasons. When a particular season is selected, the episodes for that season can be displayed. In FIG. 6, for example, episodes 1-5 are listed for season 2.....).

Regarding Claim 42, Roth discloses a computer readable medium comprising executable instructions for executing an electronic programming guide (EPG) application (See ¶ [0021]-the STB 105 executes an application program stored at the STB 105. Emphasis added - EPGs and VOD guides are also sent through the network 115 to the STB 105- See ¶ [0021] ), the computer-readable medium including instructions to (See ¶ [0021]):

process episodic series information received from a television service provider over a television network used to carry television signals, the episodic series information listing a plurality of episodic series titles and a plurality of episode titles, each of the listed episode titles corresponding with an episode available on-demand for one of the episodic series titles (See ¶ [0035] -When an episode is selected, information and/or images corresponding to that episode can be displayed on the same page 230 in, for example, a separate frame 235. If the consumer wants to view the selected episode, an appropriate action button on the displayed page can be selected. The STB 105 then passes the information to the VOD provider 130 that is responsible for delivering the content);

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display a user controllable interface that allows a user to browse through and select one of the episodic series titles in a display screen (See ¶ [0035] -When an episode is selected, information and/or images corresponding to that episode can be displayed on the same page 230 in, for example, a separate frame 235. If the consumer wants to view the selected episode, an appropriate action button on the displayed page can be selected.

..... *Emphasis added*-¶ [0036] As the PVR records each episode, it could catalog the data related to the show, e.g., episode name and description, and present it in a format similar to that shown in FIG. 6.); and

automatically display in the display screen at least a plurality of episode titles (Fig.6) for the user selected episodic series title (See ¶ [0034] -Responsive to sex in the city being selected ), wherein the displayed episode titles are limited to the episode titles listed in the episodic series information(See ¶ [0034] - ¶ [0035] ); and.

automatically display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user (See Fig.6 and ¶ [0035] -When an episode is selected, information and/or images corresponding to that episode can be displayed on the same page 230 in, for example, a separate frame 235, *emphasis added*-¶ [0036] As the PVR records each episode, it could catalog the data related to the show, e.g., episode name and description, and present it in a format similar to that shown in FIG. 6.);

Regarding Claim 43, Roth discloses the computer-readable medium including instructions to display the episodes titles without requiring the user to identify the episode titles in advance of being displayed (See ¶ [0034]-it can be explained as selecting the title

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“sex in the city” will automatically leads to page 230 that list the series of seasons episode without the user selecting the actual episode).

Regarding Claim 45, Roth discloses the computer-readable medium including instructions to request configuration of a VOD channel used to provide on-demand viewing of a selected one of the episode titles (See ¶ [0032]).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5-10, 12, 13-15, 16, 39, 44, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US 2003/0167471 A1), hereinafter referred to as Roth, in view of Ellis (US 7,493,643 B2 ),

Regarding Claim 46, Roth discloses a method of electronically displaying an on-demand listings guide, the method comprising (See Abstract):

providing a user controllable interface that allows a user to browse through and select one of a plurality of available episodic series titles (See ¶ [0035] -When an episode is selected, information and/or images corresponding to that episode can be displayed on the same page 230 in, for example, a separate frame 235. If the consumer wants to view the selected episode, an appropriate action button on the displayed page can be selected.

The STB 105 then passes the information to the VOD provider 130 that is responsible for



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delivering the content); and displaying, in display windows, episode descriptions for a plurality of episodes available on-demand for the selected episodic series title, wherein the displayed episode descriptions each at least include a title (See ¶ [0034]-Responsive to Sex in the City being selected, the consumer, for example, can be presented with a page 230 that lists the series' seasons. When a particular season is selected, the episodes for that season can be displayed. In FIG. 6, for example, episodes 1-5 are listed for season 2..... *Emphasis added*-¶ [0036] As the PVR records each episode, it could catalog the data related to the show, e.g., episode name and description, and present it in a format similar to that shown in FIG. 6.).

Roth doesn't disclose wherein the displayed episode descriptions each at least include synopsis for the corresponding episode.

In analogous art, Ellis discloses wherein the displayed episode descriptions each at least include synopsis for the corresponding episode (See Col.8, Lines 16-45 -e.g. -plot summary).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for electronically displaying an on-demand listings guide of Roth by including displaying descriptions each at least include synopsis for the corresponding episode, as taught by, Ellis in order to provide video information of each video data based on an image of a main scene the video data, so that the user can precisely retrieve the corresponding video data using the summary video information of the main scenes of the video data.

Regarding Claim 3, Roth discloses the method as discussed in the rejection of

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claim 46.

Roth doesn't disclose wherein displaying the on-demand listings guide includes magnify one of the display windows.

In analogous art, Ellis discloses wherein displaying the on-demand listings guide includes magnify one of the display windows (See Col.8, Lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for electronically displaying an on-demand listings guide of Roth by including displaying the on-demand listings guide includes magnify one of the display windows, as taught by, Ellis in order to enlarge the smaller window to a larger size so that user is able to watch the selected VOD program fully on the television screen.

Regarding Claim 5, Roth in view of Ellis discloses the method as discussed in the rejection of claim 3. Ellis further discloses displaying a number of actuatable buttons in one of the display windows (See Col.3, Line 57 and Col.10, Lines 1-5), at least one of the buttons being a PREVIEW button to preview a selected episode (See Col.9, Lines65-67 – col.1-7).

Regarding Claim 6, Roth in view of Ellis discloses the method as discussed in the rejection of claim 5. Ellis further discloses wherein previewing the episode includes displaying the preview in one of the display windows (See Fig.6B, Element 71).

Regarding Claim 7, Roth in view of Ellis discloses the method as discussed in the rejection of claim 5. Roth further discloses wherein displaying the actuatable buttons

includes at least displaying a GO TO SHOW button to order the selected episode  
(See ¶ [0035]).

Regarding Claim 8, Roth in view of Ellis discloses the method as discussed in the rejection of claim 5. Ellis further discloses wherein displaying the actuatable buttons includes displaying an ADULT LOCK button to prevent ordering of the selected episode (See Fig.8, Element 84).

Regarding Claim 9, Roth in view of Ellis discloses the method as discussed in the rejection of claim 5. Roth further discloses wherein displaying the actuatable buttons includes displaying a RATE IT button to rate the selected episode (See ¶ [0024]).

Regarding Claim 10, Roth in view of Ellis discloses the method as discussed in the rejection of claim 46. Ellis further discloses comprising ordering a user-selected episode for viewing and further displaying a control panel during viewing of the selected episode, the control panel having actuatable buttons for executing operations relating to the selected episode (Fig.1C and Col.4, Lines 3-10).

Regarding Claim 12, Roth in view of Ellis discloses the method as discussed in the rejection of claim 10. Roth further discloses wherein displaying the control panel includes displaying a button to record the selected episode (See ¶ [0036]).

Regarding Claim 13, Roth in view of Ellis discloses the method as discussed in the rejection of claim 6. Roth further discloses providing navigation capability through the listings guide which includes scrolling the episode descriptions information into a

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fixed window to select the corresponding episode for on-demand viewing (See ¶ [0032] and ¶ [0035]).

Regarding Claim 14, Roth in view of Ellis discloses the method as discussed in the rejection of claim 13. Roth further discloses wherein the scrolling includes scrolling in a first direction to change the displayed episodic series and scrolling in a second direction to change a selected episode (See ¶ [0032] and ¶ [0035]).

Regarding Claim 15, Roth in view of Ellis discloses the method as discussed in the rejection of claim 13. Roth further discloses wherein the episode descriptions are scrolled into the window without any re-loading or refreshing (See ¶ [0032]).

Regarding Claim 16, Roth in view of Ellis discloses the method as discussed in the rejection of claim 6. Roth further discloses wherein displaying the episode descriptions includes displaying the episode title adjoin to other episode information for ease of association (See ¶ [0034]).

Regarding Claim 39, Roth in view of Ellis discloses the method as discussed in the rejection of claim 6. Roth further discloses further comprising streaming a selected one of the episodes over a VOD channel for on-demand viewing from a cable television VOD server (Fig.1, Element 130 and See ¶ [0020]).

Regarding Claim 44, Roth discloses the method as discussed in the rejection of claim 42. Roth further discloses the computer-readable medium further including

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instructions to display episode title (See Fig.5 and ¶ [0033]- it can be explained as window 220 shows “sex in the city” in VOD product windows 225 -emphasis added sorting criteria by titles as seen on Fig.3, Element 195).

In analogous art, Ellis discloses the computer-readable medium further including Instructions to display an episode synopsis (See Col.8, Lines 16-45 -e.g. -plot summary).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer-readable medium of Roth by including an episode synopsis, as taught by, Ellis in order to provide video information of each video data based on an image of a main scene the video data, so that the user can precisely retrieve the corresponding video data using the summary video information of the main scenes of the video data.

Regarding Claim 47, Roth in view of Ellis discloses the method as discussed in the rejection of claim 46. Roth further discloses further comprising limiting the displayed episode descriptions to episodes previously specified by a television service provider as being available for on-demand viewing (See ¶ [0034]).

7. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over over Roth et al. (US 2003/0167471 A1), hereinafter referred to as Roth, in view of Ellis (US 7,493,643 B2 ) and further view of Deweese et al. (Us 2005/0262542 A1), ), hereinafter referred to as Deweese.

Regarding Claim 11, Roth in view of Ellis discloses the method as discussed in the rejection of claim 10.

Roth in view of Ellis discloses doesn't disclose wherein displaying the control panel includes displaying a button to enter a chat related to the selected episode (See Fig .13 button to enter chat and ¶ [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method of electronically displaying an on-demand listings guide of Roth in view of Ellis by including chat related button on the display, as taught by, Dewese in order chat option was made available to the user.

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US 2003/0167471 A1), hereinafter referred to as Roth, in view of Ellis (US 7,493,643 B2 ) and further view of Fukuda et al. (US 2004/0068740 A1), hereinafter referred to as Fukuda.

Regarding Claim 40, Roth in view of Ellis discloses the method as discussed in the rejection of claim 46. Ellis further discloses displaying a preview image for a highlighted one of the episode titles (See Col.9, Lines65-67 –col.1-7).

Roth in view of Ellis doesn't the preview image providing at least one static image from at least one scene of the episode .

In analogous art, Fukuda discloses the preview image providing at least one static image from at least one scene of the episode (See ¶ [0097]-FIG. 10 represents static image data for displaying a streaming broadcast program 905 on a slave screen 904 in FIG. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method of electronically displaying an on-demand listings guide of Roth in view of Ellis by including a static image on the display of the preview window, as taught by, Fukuda in order to capture the highlight of on coming television program so that user is able to directly tune to the channel according to his/her own interest.

9. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (US 2003/0167471 A1), hereinafter referred to as Roth, in view of Ellis (US 7,493,643 B2 ) and further view of Matthews et al. (5,815,145 ), hereinafter referred to as Matthews.

Regarding Claim 41, Roth in view of Ellis discloses the method as discussed in the rejection of claim 6.

Roth in view of Ellis doesn't disclose simultaneously displaying preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode.

In analogous art, Matthews discloses simultaneously displaying preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode (See Fig.4 and See Col.14, Lines 44-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method of electronically displaying an on-demand listings guide of Roth in view of Ellis by including simultaneously displaying

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preview images for at least two of the displayed episode titles, each preview image providing at least one static image from at least one scene of the corresponding episode, as taught by, Matthews in order to allow visual indication of program content during viewer navigation

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAZAR TILAHUN whose telephone number is (571)270-5712. The examiner can normally be reached on Monday through Friday 9.00AM-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571)272-7331. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. T.  
Examiner, Art Unit 2424

/Christopher Kelley/  
Supervisory Patent Examiner, Art Unit 2424